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Joint written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status; Amnesty International, Cairo Institute for Human Rights Studies, the East and Horn of Africa Human Rights Defenders Project, International Service for Human Rights, Reporters Sans Frontieres International - Reporters Without Borders International, non-governmental organizations in special consultative status; Article 19 - International Centre Against Censorship, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Selection and appointment of new mandate holder on the promotion and protection of the right to freedom of opinion and expression*

Summary:

- In June 2014, the President of the UN Human Rights Council (the Council) will appoint a new Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.
- This UN expert on the promotion and protection of the right to freedom of opinion and expression will serve two terms of three years each.
- Candidates must have the required expertise and experience in the field of the mandate, must be independent and impartial and show a high level of personal integrity and objectivity.
- The following actors may nominate candidates:
    - Governments;
    - Regional Groups;
    - International organisations (e.g. OHCHR);
    - Non-governmental organisations (NGOs);
    - National human rights institutions (NHRIs) in compliance with Paris Principles;
    - Other human rights bodies & individuals.
- Individual candidates and candidates nominated by entities shall submit an application for each specific mandate, together with personal data and a motivation letter no longer than 600 words. OHCHR will prepare a list of candidates who applied for each vacancy.

This document is part of a series of criteria developed for vacant positions as special procedures mandate holders. Its intention is to support all stakeholders in the identification of and outreach to highly qualified and independent candidates for vacant positions. States may also use the document to strengthen national consultations processes for the identification of suitable candidates.

It is also intended as a checklist that can be used by the Council's Consultative Group and the President of the Human Rights Council to ensure that only highly qualified and independent candidates are considered and appointed.

Background:

ARTICLE 19: Global Campaign for Free Expression, Amnesty International, the Committee to Protect Journalists, the International Service for Human Rights, and Reporters Without Borders, submit this joint written statement on behalf of the signatories.

The signatory organisations call on Governments, NGOs and others, including relevant professional networks, to use this checklist to identify eligible candidates for the upcoming vacancy for the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

We urge Governments to consult civil society and to disseminate the vacancy widely, e,g. through media advertisement, so as to encourage candidates to apply for this vacancy.

All applicants must submit an application for each specific mandate through the OHCHR online application system, which will be made available at: http://www.ohchr.org/EN/HRBodies/SP/Pages/OutreachEN.aspx

Prospective mandate holders should be aware that this is a voluntary, unpaid role. They would not receive salary or other financial compensation, except for travel expenses and daily subsistence allowance of 'experts on mission'. It will require a substantial time commitment from the individual, including readiness to travel and respond to urgent

situations, as explained in the checklist.

Checklist for selection of candidates for mandate of Special Rapporteur on the promotion and protections of the right to freedom of opinion and expression

Formal criteria:

According to Human Rights Council resolution 5/1, Annex, the following general criteria will be of paramount importance while nominating, selecting and appointing mandate holders:

- Expertise;
- Experience in the field of the mandate;
- Independence;
- Impartiality;
- Personal integrity;
- Objectivity.

Due consideration should be given to gender balance and equitable geographic representation, and to an appropriate representation of different legal systems. Eligible candidates should be highly qualified individuals who possess established competence, relevant expertise and extensive professional experience in the field of human rights (paras. 39-41).

Independence:

According to Council Resolution 5/1, 'individuals holding decision-making positions in Government or in any other organisation or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded.'

At a minimum, this requires independence of prospective mandate holders from the executive of governments or from intergovernmental organisations, which may be the subject of a communication or mission within the terms of the mandate.

The conflict of interest provision has also been interpreted to mean that candidates are expected to clarify how, if appointed, they would deal with any perceived or actual conflict of interest in relation to governments, inter-governmental organisations, or non-governmental organisations.

Qualifications & expertise:

In its Decision 6/102 of 27 September 2007, the Council approved technical and objective requirements for candidates eligible for special procedures mandates.

The following checklist is intended as an interpretive aid for those requirements:

1. **Qualifications (and skills):** relevant educational qualifications or equivalent professional experience in the field of human rights

Checklist:

- A post-graduate university degree or equivalent in law, social sciences or in a discipline directly related to the mandate, preferably with a focus on international human rights law, would be highly desirable;
- Academic publications or other published material (articles, studies, reports, research papers or any similar written material demonstrating in-depth knowledge) addressing issues relevant to the mandate, from a human rights perspective;
- Excellent oral and written communication skills in at least one of the UN working languages (English, French and Spanish – knowledge of other widely-used or official UN languages, such as Arabic, Chinese or Russian, would be an asset);
- Extensive experience in public speaking (for example in expert seminars) and in communicating at senior levels with governments, UN officials, the business community, the media and other relevant stakeholders.

2. **Relevant expertise:** knowledge of international human rights instruments and standards; knowledge of institutional mandates related to the United Nations or other international or regional organisations' work in the area of human rights; proven work experience in the field of human rights.

Checklist:

- Extensive knowledge of international human rights law and standards;
- At least 5 years of progressively responsible work experience in the field of human rights relating to the right to freedom of opinion and expression, including in human rights research, monitoring, reporting, investigating and advocacy;
- Excellent knowledge of the international and regional legal frameworks, case law and current trends relevant to the promotion and protection of the right to freedom of opinion and expression, including its relationship to and importance in ensuring respect for all other human rights and freedoms;
- Practical experience in promoting and protecting the right to freedom of opinion and expression where there may be perceived or actual tensions with other individual rights or collective interests, particularly in the context of new technologies;
- Excellent knowledge of institutional mandates of the United Nations or other international or regional organisations in the area of human rights.

3. **Established competence:** nationally, regionally or internationally recognised competence related to human rights.

Checklist:

- A demonstrated commitment to universal human rights law, standards and values;
- Recognised knowledge and expertise of responding to developments and challenges in the field of the right to freedom of opinion and expression, in particular a deep understanding of how new technologies impact freedom of opinion and expression globally;
- Experience in applying freedom of opinion and expression principles, in particular in the context of access to information, journalism and media freedom;
- Experience at national, regional and/or international level in developing legislation, policies and mechanisms for the protection of the right to freedom of opinion and expression and in creating a safe and enabling environment for the exercise of this right, including addressing issues related to intimidation, reprisals, and impunity;
- Extensive experience with and proven commitment to working and/or interacting with individuals, groups and civil society whose right to freedom of opinion and expression may have been violated or restricted;
- Proven awareness of the particular challenges and risks specific individuals and groups may face and their

particular protection needs when exercising their right to freedom of opinion and expression, including: journalists, media workers, writers, bloggers and artists; human rights defenders; women; ethnic, religious and linguistic minorities; non-nationals, migrants, refugees and internally displaced people; indigenous people; lesbian, gay, bisexual and transgender people; members of political opposition groups; people with disabilities; people in a disadvantaged socioeconomic situations, and people who experience age discrimination.

- Experience in interacting with actors whose work directly impacts on the enjoyment of the right to freedom of expression, such as:
  - All branches of government, including legislators, the judiciary, ministers, and civil servants;
  - Law enforcement agencies;
  - Relevant regulatory or administrative bodies, including, where applicable, media regulatory authorities and information ombudsmen;
  - National human rights institutions and equality bodies;
  - Corporations and business enterprises, particularly in the mass media, telecommunication, ICT, surveillance, and online-security sectors;
- Experience in the development and delivery of human rights and rule of law assistance/capacity building, including the training of law enforcement and legal professionals and other officials responsible for the protection of human rights;
- Experience in conducting both academic and field research and in carrying out fact-finding missions.

4. Flexibility/readiness and availability of time to perform effectively the functions of the mandate and to respond to its requirements, including conducting visits, preparing reports and attending Human Rights Council and General Assembly sessions.

Checklist:

- Willingness and ability to conduct in-country investigations, in all regions of the world, into government policies, legislation and practices affecting the enjoyment of the right to freedom of opinion and expression;
- Energy, determination and vision to promote and protect the right to freedom of opinion and expression wherever it is at risk;
- A commitment to uphold the integrity, independence and impartiality of the Special Rapporteur's mandate and the special procedures system as a whole;
- Willingness and ability to devote a substantial proportion of working hours to fulfilling the mandate, which includes undertaking two country missions per year, preparing and presenting reports to the Human Rights Council and the General Assembly (such as the annual thematic report, and country mission and follow-up reports), attending seminars and other UN meetings and acting on individual cases of violations of the right to freedom of opinion and expression;
- Willingness and ability to act urgently when cases or situations so require.

Appointment Procedure:

Details and formalities about the nomination, selection and appointment of mandate holders are explained on the OHCHR website at http://www.ohchr.org/EN/HRBodies/SP/Pages/Nominations.aspx

Applications have to be submitted through an online system, which will be made available on the above website.

*Committee to Protect Journalists; Media, Entertainment & Arts Alliance; Africa Freedom of Information Centre NGO(s) without consultative status, also share the views expressed in this statement.